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STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE



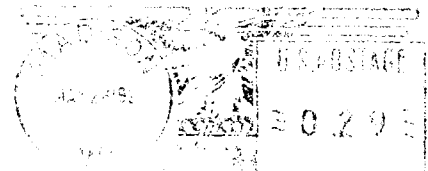
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Domestic Facil. Div.  
Attn: Olga Madruga-Forti  
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Ms. Donna R. Searcy  
Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 M St. N.W.  
Washington, DC 20554





STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
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May 26, 1992

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Ms. Donna R. Searcy  
Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 M St. N.W.  
Washington, D.C. 20554

Re: Telephone Consumer Protection Act of 1991

Dear Secretary Searcy:

The Telephone Consumer Protection Act of 1991 and related rulemaking proceedings before the Federal Communications Commission address a particularly egregious telemarketing practice, namely the use of prerecorded messages as a solicitation device. The recent proliferation of these unwanted and intrusive calls is a cause for concern to anyone who values the right to privacy for American citizens.

The complaints received by my Office of Consumer Protection and Citizen Advocacy indicate that telemarketing is not merely annoying for some persons, but has become a favorite method for fraud promotions. Fictitious vacation offers and phony credit services are examples of literally dozens of telemarketing scams operating at any given time. Auto dialers, in particular, enable con artists to systematically contact many more potential victims. Often, persons who are most vulnerable to these efforts are elderly or financially disadvantaged citizens.

The State of Wisconsin is one of the few states which has a statutory prohibition against prerecorded solicitations without the prior consent of the person being called. Section 134.72, Wisconsin Statutes, was enacted in 1977 and amended in 1989 to include solicitations by facsimile machines.

The statute permits pre-recorded contacts with persons who have previously given their permission or for non-solicitation, commercial use. We have found that these exemptions balance the interests of commercial ventures and the called parties. The proposed rules before the Commission adopt a similar approach and should also prove workable.

We believe that the law has prevented widespread use of auto dialers and fraudulent practices which have plagued other states. Nevertheless, we continue to receive complaints about auto dialer

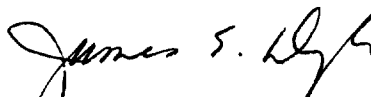
Ms. Donna R. Searcy  
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solicitations which frequently originate outside Wisconsin. These complaints demonstrate the need for regulation at the federal level.

Under the federal legislation and proposed rules, state authority to deal with these problems is preserved and enhanced. The capability of state enforcement agencies to respond to the needs of their citizens and take action against deceptive telemarketing promoters is assured.

I support the Commission's efforts to promulgate balanced rules to implement the legislation. We look forward to working with the Commission and its staff and coordinating our efforts to curb consumer abuse in the telemarketing industry.

Sincerely,

  
James E. Doyle  
Attorney General

JED:DJG:cl